

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Michael J. Ciach

Debtor

Chapter: 13

Bankruptcy No.: 23-10547-amc

11 U.S.C. § 362

Athene Annuity and Life Company

Movant

vs.

Michael J. Ciach

Debtor

and

KENNETH E. WEST

Trustee

RESPONDENTS

**OBJECTIONS OF ATHENE ANNUITY AND LIFE COMPANY TO CONFIRMATION OF  
DEBTOR'S PROPOSED CHAPTER 13 PLAN**

Athene Annuity and Life Company, by and through its undersigned attorney, Michael Clark, Esquire, hereby objects to the confirmation of the Debtor's proposed Chapter 13 Plan for the following reasons:

1. Athene Annuity and Life Company, is in the process of filing a Proof of Claim with respect to its secured interest in real estate property of the Debtor or of the estate which is commonly known as and located at 3430 11th Street, Brookhaven, PA 19015, such Proof of Claim will indicate an estimated arrearage claim in the amount of \$36,176.34. The claims bar date is May 8, 2023. The plan proposes to pay \$30,000.00. Accordingly, the Chapter 13 Plan does not properly address the pre-petition claim of Athene Annuity and Life Company. *See* 11 U.S.C. Sec. 1325(a)(5).
2. Based on the information provided by Debtor in Schedules I and J, Debtor does not have sufficient monthly income to pay the correct amount of the pre-petition arrears of Athene Annuity and Life Company over a sixty (60) month period. Accordingly, Debtor's proposed Chapter 13 Plan is not financially feasible. *See* 11 U.S.C. Sec. 1325(a)(6).
3. Debtor need(s) to have an additional \$102.94 per month in order to pay the arrears of Athene Annuity and Life Company only, over a sixty (60) monthly period. There is absolutely no indication or evidence from Debtor's Schedules that she/he/they has the ability to obtain such additional income. Accordingly, Debtor's proposed Chapter 13 Plan is not financially feasible. *See* 11 U.S.C. Sec. 1325(a)(6).
4. Due to all of the defects in the Debtor's proposed Chapter 13 Plan, as aforesaid, such

Plan could not have been proposed in good faith. *See* 11 U.S.C. Sec 1325(a)(7).

WHEREFORE, Athene Annuity and Life Company prays that its objections be sustained and that confirmation of Debtor`s Chapter 13 Plan be denied.

Respectfully submitted,

/s/ Michael Clark

Richard M. Squire, Esq.

M. Troy Freedman, Esq.

Michael J. Clark, Esq.

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Attorney for the Objecting Party

Dated: April 04, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that I am over 18 years of age; and that service upon all interested parties, indicated below, was made by sending true and correct copies of the Objections of Athene Annuity and Life Company to Confirmation of Debtor's proposed Chapter 13 Plan electronically and/or via First Class Mail, postage prepaid.

Date Served: 04/04/2023

KENNETH E. WEST  
Chapter 13 Trustee  
1234 Market Street - Suite 1813  
Philadelphia, PA 19107

United States Trustee  
Office of the U.S. Trustee  
900 Market Street  
Suite 320  
Philadelphia, PA 19107

Michael J. Ciach  
3430 11th Street  
Brookhaven, PA 19015

Brad J. Sadek  
Sadek and Cooper  
1315 Walnut Street  
Suite 502  
Philadelphia, PA 19107

I hereby certify the foregoing to be true and correct under penalty of perjury.

Respectfully submitted,

/s/ Michael Clark  
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Michael J. Clark, Esq.  
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